

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA

v.

MADISON MITCHELL (32)

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1:21-cr-00048-LY-32

Order on Petition for Action on Conditions of Pretrial Release

In accordance with the Federal Rules of Criminal Procedure and 18 U.S.C. § 3148, on April 29, 2021, a hearing was held before the undersigned Magistrate Judge on the U.S. Pretrial Services' Petition for Action on Conditions of Pretrial Release (Dkt. 335). In the Petition, Pretrial Services alleged that Defendant violated the following condition of her release:

(7)(m) The defendant must not use or unlawfully possess a narcotic drug or other controlled substance defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

On April 21, 2021, the Pretrial Services Office administered a drug test to Defendant. Pretrial Services Officer Kyona Stubbs testified that the test was confirmed positive for cocaine and methamphetamines.

The Court has carefully considered the original Pretrial Services Report, the docket, the Petition, Defendant's statements during the hearing, and the arguments of counsel. Pursuant to § 3148(b)(1)(B), the Court finds by clear and convincing evidence that Defendant violated condition (7)(m) of her release by using narcotic drugs or other controlled substances.

Nonetheless, the Court finds that, based on the factors set forth in 18 U.S.C. § 3142(g), there are conditions of release that will assure that Defendant is not likely to flee or pose a danger to

the safety of any other person or the community if she remains on release, and that she is likely to abide by such conditions. *See* 18 U.S.C. §§ 3142 and 3148. Specifically, Defendant is **ORDERED** to participate in a 30-day program of inpatient substance abuse therapy and counseling beginning April 29, 2021, pursuant to Additional Condition of Release 7(o).

It is therefore **ORDERED** that the Petition for Action on Conditions of Pretrial Release is **DENIED**. Defendant remains on pretrial release subject to all conditions in the Court's Order Setting Conditions of Release (Dkt. 114) as well as this Order.

SIGNED on April 29, 2021.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE